

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 795

Introduced by Senator Karnette

February 21, 2003

An act to amend Sections ~~2550, 2557~~, 2557 and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 795, as amended, Karnette. Motorist aid program.

(1) Existing law establishes a system of call boxes along the California Freeway and Expressway System for motorists to obtain assistance. ~~Existing law also authorizes a county to establish a service authority for freeway emergencies.~~

~~This bill would authorize a service authority to use its funding for purposes of a motorist aid program to include other motorist aid services in addition to the call box system. The bill would require the Department of Transportation and the Department of the California Highway Patrol to perform duties relative to the motorist aid program specify that funds exceeding the amount required for the system of call boxes may be used to operate the freeway service patrol. The bill would make related changes.~~

(2) Existing law establishes the Emergency Roadside Assistance Advisory Committee to recommend training standards for designated providers of emergency roadside services.

This bill would abolish that committee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 2550 of the Streets and Highways Code~~
2 ~~is amended to read:~~

3 ~~2550.—(a) The Legislature declares that its intent in enacting~~
4 ~~this chapter is to encourage the implementation of a motorist aid~~
5 ~~program along the California Freeway and Expressway System to~~
6 ~~enable motorists in need of aid to obtain assistance.~~

7 ~~(b) It is the further intent of the Legislature that a service~~
8 ~~authority, as described in Section 2551, use its funding for a~~
9 ~~motorist aid program, including, but not limited to, a call box~~
10 ~~system, freeway service patrol, incident management activities,~~
11 ~~and any other motorist aid service the service authority deems~~
12 ~~appropriate. The service authority may prioritize its funding of the~~
13 ~~activities in the motorist aid program.~~

14 ~~SEC. 2.~~

15 ~~SECTION 1.~~ Section 2551.6 is added to the Streets and
16 Highways Code, to read:

17 ~~2551.6.~~ A service authority may agree to operate the freeway
18 service patrol in the county or region in which the service authority
19 was created.

20 ~~SEC. 3.—Section 2557 of the Streets and Highways Code is~~
21 ~~amended to read:~~

22 ~~2557.—(a) Except as provided in subdivision (e), the moneys~~
23 ~~received by each authority pursuant to subdivision (b) of Section~~
24 ~~9250.10 of the Vehicle Code shall be used for the implementation,~~
25 ~~maintenance, and operation of a motorist aid program, including,~~
26 ~~but not limited to, a callbox system, freeway service patrol,~~
27 ~~incident management activities, and any other motorist aid~~
28 ~~program or service deemed appropriate by the authority. The~~
29 ~~authority may prioritize the funding of these activities.~~

30 ~~(b) The authority shall obtain review by and concurrence of,~~
31 ~~the Department of Transportation and the Department of the~~
32 ~~California Highway Patrol for motorist aid program~~
33 ~~implementation plans and major amendments to an existing~~
34 ~~motorist aid plan. This process shall be conducted in accordance~~
35 ~~with the procedures and criteria in the “CHP/Cal Trans Call Box~~

1 and Motorist Aid Guidelines.” The department, the Department of
2 the California Highway Patrol, and authority shall prepare the
3 guidelines as a collaborative, consensual activity.

4 (e) The motorist aid program shall be consistent with the
5 transportation plan for the region.

6 (d) An authority or any other public entity may construct and
7 maintain, and lease or lease-purchase on terms and conditions it
8 deems appropriate, the facilities of a motorist aid program or it
9 may contract with a private person or entity to do so.

10 (e) If leases or lease-purchase agreements are entered into
11 pursuant to subdivision (a), or if revenue bonds are issued and sold
12 pursuant to Section 2558, the moneys received by each authority
13 pursuant to subdivision (b) of Section 9250.10 of the Vehicle Code
14 shall be used to the extent necessary to make lease payments or to
15 pay the principal of, and interest on, the amount of bonded
16 indebtedness outstanding, as the case may be. Facilities and
17 equipment acquired through the expenditure of proceeds from the
18 sale of those bonds shall have a useful life at least equal to the term
19 of the bonds.

20 (f) The authority may implement a motorist aid call box
21 system. The authority may install call boxes on the portions of the
22 California Freeway and Expressway System and on county roads
23 in rural, unincorporated areas of the county and on state highway
24 routes that connect segments of these systems, if they are located
25 within the county in which the authority is established and the
26 Department of the California Highway Patrol has law enforcement
27 responsibility over them. The authority may contract with the
28 department or a private entity to answer calls from the motorist aid
29 call boxes and for any other activity related to the motorist aid call
30 box system, as mutually agreed by the department and the
31 authority. A motorist aid system of call boxes shall not be
32 considered an emergency telephone system.

33 (g) An authority may develop policies for the retention of
34 records, including, but not limited to, authority operations,
35 contracts, and programs, and the length of the retention period.

36 (h) A motorist aid call box system constructed, maintained, or
37 operated by the authority shall meet the applicable standards of
38 Title II of the Americans with Disabilities Act of 1990 (Public Law
39 101-336) and federal regulations adopted pursuant thereto.

40 SEC. 4.

1 SEC. 2. *Section 2557 of the Streets and Highways Code is*
2 *amended to read:*

3 2557. (a) Except as provided in subdivisions (c) and (d), the
4 moneys received by each authority pursuant to subdivision (b) of
5 Section 9250.10 of the Vehicle Code shall be used for the
6 implementation, maintenance, and operation of a motorist aid
7 system of call boxes, including the lease or lease-purchase of
8 facilities and equipment for the system, on the portions of the
9 California Freeway and Expressway System and a county
10 expressway system, and, ~~in counties with a population of over~~
11 ~~6,000,000 persons~~, the unincorporated county roads in that county,
12 and on state highway routes that connect segments of these
13 systems, which are located within the county in which the
14 authority is established. The Department of Transportation and the
15 Department of the California Highway Patrol shall each review
16 and approve plans for implementation of a motorist aid system *of*
17 *call boxes* proposed for any state highway route and shall be
18 reimbursed by the service authority for all costs incurred *due to*
19 *review and approval of the plan.*

20 (b) An authority or any other public entity may construct and
21 maintain, and lease or lease-purchase on terms and conditions it
22 deems appropriate, the facilities of a motorist aid system or it may
23 contract with a private person or entity to do so.

24 (c) If leases or lease-purchase agreements are entered into
25 pursuant to subdivision (a), or if revenue bonds are issued and sold
26 pursuant to Section 2558, the moneys received by each authority
27 pursuant to subdivision (b) of Section 9250.10 of the Vehicle Code
28 shall be used to the extent necessary to make lease payments or to
29 pay the principal of, and interest on, the amount of bonded
30 indebtedness outstanding, as the case may be. Facilities and
31 equipment acquired through the expenditure of proceeds from the
32 sale of those bonds shall have a useful life at least equal to the term
33 of the bonds.

34 (d) (1) Any money received by an authority pursuant to
35 subdivision (b) of Section 9250.10 of the Vehicle Code ~~which that~~
36 exceeds the amount needed for full implementation and ongoing
37 costs to maintain and operate the motorist aid system of call boxes,
38 installed pursuant to subdivision (a), may be used for purposes of
39 paragraph (2) and for additional motorist aid services or support,
40 including, but not limited to, the following safety-related projects:

1 (A) Changeable message signs.

2 (B) Lighting for call boxes.

3 (C) Support for traffic operations centers.

4 (D) Contracting for removal of disabled vehicles from the
5 traveled portion of the right-of-way, *including operation of the*
6 *freeway service patrol pursuant to Chapter 15 (commencing with*
7 *Section 2560).*

8 (2) Any amendment to an existing plan for a motorist aid
9 system of *call boxes* adopted by an authority for any state highway
10 route shall, prior to implementation, be submitted to the
11 Department of Transportation and the Department of the
12 California Highway Patrol for review and approval and shall not
13 be implemented until so reviewed and approved. The authority
14 shall reimburse each department for the costs of that review.

15 (e) An authority may develop policies for the retention of
16 records, including, but not limited to, authority operations,
17 contracts, and programs, and the length of the retention period.

18 (f) A motorist aid system constructed, maintained, or operated
19 pursuant to this section shall meet the applicable standards of Title
20 II of the Americans with Disabilities Act of 1990 (Public Law
21 101-336) and federal regulations adopted pursuant thereto.

22 *SEC. 3.* Section 2558 of the Streets and Highways Code is
23 amended to read:

24 2558. (a) Subject to subdivision (b), a service authority may
25 issue revenue bonds pursuant to Chapter 6 (commencing with
26 Section 54300) of Division 2 of Title 5 of the Government Code,
27 or Chapter 5 (commencing with Section 4950) of Part 3 of
28 Division 5 of the Health and Safety Code, as nearly as practicable,
29 for the implementation and maintenance of a motorist aid program
30 and shall pledge revenues to be received from fees referred to in
31 Section 2555 as security for the payment of principal or of interest
32 or other amounts due on those revenue bonds. In addition, a service
33 authority that has entered into one or more leases or lease-purchase
34 agreements for facilities of a motorist aid program may also
35 pledge, as security for the payment of amounts due under the lease
36 or agreements, revenues to be received from those fees. The pledge
37 of revenues provided for in this subdivision shall be a first and
38 prior lien and, without any action other than the adoption by the
39 members of a resolution providing for the pledge, the lien of the
40 pledge shall attach and become perfected as to each fee imposed

1 pursuant to Section 9250.10 of the Vehicle Code as and when the
2 fee becomes due and payable. However, if a service authority has,
3 at the same time, existing obligations under one or more issues of
4 revenue bonds, one or more leases or lease-purchase agreements,
5 or both, the respective priorities of the liens of pledges of revenue
6 shall be determined on the basis of the respective dates on which
7 resolutions providing for those pledges were adopted, with the
8 highest priority being accorded the pledge of revenues provided
9 for in the earliest of those resolutions. Bond proceeds shall not be
10 used for operation of a motorist aid system of call boxes.

11 (b) A service authority may issue revenue bonds for each
12 county within its jurisdiction.

13 ~~SEC. 5.~~

14 *SEC. 4.* Section 2421.5 of the Vehicle Code is amended to
15 read:

16 2421.5. (a) When any Service Authority for Freeway
17 Emergencies has imposed additional fees on vehicles pursuant to
18 Section 2555 of the Streets and Highways Code, the authority may
19 contract with the department or a private entity to handle calls
20 originating from the authority's motorist aid call box system.

21 (b) (1) If the contract is with the department, its terms shall
22 comply with the requirements specified in paragraph (2) for the
23 system on the portions of the California Freeway and Expressway
24 System and on county roads in rural, unincorporated areas of the
25 county and on state highway routes that connect segments of these
26 systems, if they are located within the county in which the
27 authority is established and the Department of the California
28 Highway Patrol has law enforcement responsibility over them.

29 (2) The contract shall contain guidelines, as jointly agreed to
30 between the authority and the department, following consultation
31 with the authority, for services to be provided, including, but not
32 limited to, reporting requirements, immediate transfer of
33 emergency calls and traffic management information to the
34 department, computer interface capability with the department,
35 performance standards, and coordination with the eligible tow
36 service providers.

37 (c) If the contract is with a private entity, the authority shall
38 ensure that the specifications in the "CHP/Cal Trans Call Box and
39 Motorist Aid Guidelines" are met and coordinate with the
40 department to determine which calls will be transferred to it for

1 response. The authority shall reimburse the department for all
2 costs incurred under this subdivision in accordance with the
3 “CHP/Cal Trans Call Box and Motorist Aid Guidelines.” If an
4 authority has a contract with a private entity having a
5 commencement date of July 1, 2003, or prior, the performance
6 standards of those contracts shall remain in effect until
7 modifications are made to the applicable sections of the statewide
8 guidelines.

9 (d) The authority may contract with the Department of the
10 California Highway Patrol to perform duties as mutually agreed by
11 the parties.

12 ~~SEC. 6.~~

13 SEC. 5. Section 2430.1 of the Vehicle Code is amended to
14 read:

15 2430.1. As used in this article, each of the following terms has
16 the following meaning:

17 (a) “Tow truck driver” means a person who operates a tow
18 truck, who renders towing service or emergency road service to
19 motorists while involved in freeway service patrol operations,
20 pursuant to an agreement with a regional or local entity, and who
21 has or will have direct and personal contact with the individuals
22 being transported or assisted. As used in this subdivision, “towing
23 service” and “emergency road service” have the same meaning
24 as defined in Section 2436.

25 (b) “Employer” means any person or organization that
26 employs those persons defined in subdivision (a), or who is an
27 owner-operator who performs the activity specified in subdivision
28 (a), and who is involved in freeway service patrol operations
29 pursuant to an agreement or contract with a regional or local entity.

30 (c) “Regional or local entity” means any public organization
31 established as a public transportation planning entity pursuant to
32 Title 7.1 (commencing with Section 66500) of the Government
33 Code or authorized to impose a transaction and use tax for
34 transportation purposes by the Public Utilities Code or ~~an~~
35 ~~established motorist aid authority such as the service authority for~~
36 freeway emergencies described in Section 2551 of the Streets and
37 Highways Code.

38 (d) “Emergency road service” has the same meaning as
39 defined in Section 2436.

(e) “Freeway service patrol” has the same meaning as defined in Section 2561 of the Streets and Highway Code.

~~SEC. 7.~~

SEC. 6. Section 2430.2 of the Vehicle Code is amended to read:

2430.2. “Regional or local entity,” as defined by subdivision (c) of Section 2430.1, also includes the transportation planning entity established pursuant to Section 130050.1 of the Public Utilities Code or ~~an established motorist aid authority such as the~~ service authority for freeway emergencies described in Section 2551 of the Streets and Highways Code.

~~SEC. 8.~~

SEC. 7. Section 2435 of the Vehicle Code is amended to read:

2435. (a) The Legislature finds and declares that the emergency roadside assistance provided by highway service organizations is a valuable service that benefits millions of California motorists. The Legislature further finds and declares that emergency roadside assistance is provided statewide, in cooperation with, and shares resources with, public safety agencies. The Legislature also finds that the Department of the California Highway Patrol, in cooperation with the Department of Transportation, is responsible for the rapid removal of impediments to traffic on highways within the state and that the Department of the California Highway Patrol may enter into agreements with employers for freeway service patrol operations under an agreement or contract with a regional or local entity. The Legislature declares that it is important to the public safety that drivers who provide emergency roadside service not have criminal records that include violent crimes against persons.

(b) The Legislature also declares that the Department of the California Highway Patrol, in cooperation with the Department of Transportation, shall be responsible for establishing the minimum training standards for highway service organization employees and employers who participate in freeway service patrol operations pursuant to an agreement or contract with a regional or local entity.

~~SEC. 9.~~

SEC. 8. Section 2436 of the Vehicle Code is amended to read:

2436. For the purposes of this article, each of the following terms has the meaning given in this section:

(a) “Emergency road service” is the adjustment, repair, or replacement by a highway service organization of the equipment, tires, or mechanical parts of a motor vehicle so as to permit it to be operated under its own power. “Towing service” is the drafting or moving by a highway service organization of a motor vehicle from one place to another under power other than its own.

(b) “Emergency roadside assistance” means towing service or emergency road service.

(c) “Employer” has the same meaning as defined in Section 2430.1.

(d) “Freeway service patrol” has the same meaning as defined in Section 2561 of the Streets and Highways Code.

(e) “Highway service organization” means a motor club, as defined by Section 12142 of the Insurance Code and, in addition, includes any person or organization that operates or directs the operation of highway service vehicles to provide emergency roadside assistance to motorists, or any person or organization that is reimbursed or reimburses others for the cost of providing emergency roadside assistance, and any employer and includes any person or organization that directly or indirectly, with or without compensation, provides emergency roadside assistance.

(f) “Regional or local entity” has the same meaning as defined in Section 2430.1.

(g) “Tow truck driver” has the same meaning as defined in Section 2430.1.

~~SEC. 10.~~

SEC. 9. Section 2437 of the Vehicle Code is repealed.

~~SEC. 11.~~

SEC. 10. Section 2438 of the Vehicle Code is repealed.

~~SEC. 12.~~

SEC. 11. Section 2439 of the Vehicle Code is repealed.

~~SEC. 13.~~

SEC. 12. Section 2440 of the Vehicle Code is repealed.